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Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

In re: ) Case No: 09-60965  
) (Chapter 11)  
JEANNE RIZZOTTO, )  
)  
Debtor. )  
\_\_\_\_\_ )

**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL**

Jon R. Binney, Binney Law Firm, PC hereby moves this Court for leave to withdraw from the above entitled proceedings as counsel for the Debtor, Jeanne Rizzotto, for the following reasons:

1. Debtor's Chapter 11 Plan has been confirmed.
2. Debtor had a buy/sell on her golf course set to close on July 1, 2010 but the sale fell through in late June.
3. Pursuant to stipulation Debtor's residence and other real estate has been deeded to the secured creditors.
4. Subsequent to July 1, 2010 the undersigned has endeavored to provide legal assistance to the Debtor but such assistance is ignored. The undersigned's relationship with the Debtor has deteriorated to the point that the undersigned cannot provide effective legal

representation.

5. Debtor has moved and not left counsel updated contact information.
6. The undersigned is serving a copy of this Motion for Leave to Withdraw as Counsel upon the client and upon U.S. Trustee by ECF.
7. At present there are no pending scheduled Court dates.
8. The undersigned cannot advise the Court of the Debtor's position on this motion as she will not respond to his inquiries.
9. The Debtor's last known mailing address is:

Jeanne Rizzotto  
PO Box 21  
Roberts, MT 59070

WHEREFORE the foregoing reasons, Jon R. Binney, Binney Law Firm, PC respectfully requests leave to withdraw from representing Jeanne Rizzotto in the above-entitled matter.

DATED this 19<sup>th</sup> day of August, 2010.

BINNEY LAW FIRM, P.C.  
P.O. Box 2253  
Missoula, Montana 59806-2253  
Attorneys for Debtor

/s/ Jon R. Binney  
Jon R. Binney,

**NOTICE OF OPPORTUNITY TO RESPOND**  
**AND REQUEST A HEARING**

**If you object to the motion, you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of the motion. The objecting party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:**

**NOTICE OF HEARING**

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.**

DATED this 19<sup>th</sup> day of August, 2010.

BINNEY LAW FIRM, P.C.

Attorneys for Debtor

/s/ Jon R. Binney  
Jon R. Binney

**CERTIFICATE OF SERVICE**

This is to certify, under penalty of perjury, that on the 19<sup>th</sup> day of August, 2010, the foregoing Motion for Leave to Withdraw as Counsel was duly served via first class mail, postage prepaid, to the following:

Jeanne Rizzotto  
PO Box 21  
Roberts, MT 59070

/s/ Melissa Enderson